761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: March 2, 2005

OFFICE CORRESPONDENCE FILE:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: MICHAEL A. FORD, CAPTAIN
SAFE STREETS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, NOVEMBER 13, 2003, REVIEW #2103334**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on November 13, 2003.

The Committee met on February 24, 2005, and consisted of myself and Commanders Kenneth Brazile (Commander of the Department) and Robert Binkley (FOR III). The Committee determined that the use of force by Deputy Thomas Mayberry #[redacted] was within Department policy. **Please advise the deputy of this finding.**

JGJ:KRK:kk

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PART 2- CRIMINAL INVESTIGATION BY SHERIFF'S DEPARTMENT HOMICIDE BUREAU

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
11-13-03	Century Station, G.E.T.	☐	☒

Incident Information

URN: 003-19638-2113-013	Date: 11-13-03	Time: 2127 Hrs.

City or Station: Century Station

Location: [redacted] Hulme Avenue
Lynwood, Ca.

Nature of Incident: As G.E.T. deputies approached their vehicle, the suspect driver and passenger fled on foot. After being chased a short distance, the passenger pointed a handgun at the pursuing deputy. The deputy fired once, killing the suspect.

Location Type (*circle one or more*): **(Backyard)** (circled), Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): **(Darkness)** (circled), Daylight, Other, Street Lights

Weather (*circle only one*): **(Clear)** (circled), Cloudy, Fog, Rain

Distance: 7 to 10 feet

Incident Type (*circle one or more*): Accidental, **(Armed Person)** (circled), **(Fleeing Suspect)** (circled), **(Foot Pursuit)** (circled), Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **(Observation)** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(Routine Patrol)** (circled)

Total # of Shots Fired by Deputy: 1 (one)

Total # of Shots Fired by Suspect: None

Aero Unit? ☐ **Canine Unit?** ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	TRAMMELL	STEVEN	W.	EM **(PM)** Day	**(Regular)** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
NONE							

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	THRALL	JOHANN	W.	**(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	WINKELPLECK	JAMES	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	BABBITT	JOHN	C..

PSTD Use Only

SH # 2103334

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 003-19638-2113-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11-13-02	2250	09-30-04	

Employee #	Last Name	First Name	M.I
[redacted]	HARRIS	JOHN	W.
[redacted]	KEYS	GREGORY	L.
[redacted]	SENO	BENNETT	W.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S # 1	E #1	FH	SW	38			NN	
E #1	S # 1	FH	BR	9	Y	Y	GS	CH

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 003-19638-2113-013

Involved Employee

E 1

Employee # [redacted]	Last Name: MAYBERRY	First Name: THOMAS	M.I.: R.
Sex: M Race: W	Rank: Deputy Sheriff	Unit Assignment: Safe Streets Bureau	Work Assignment (Unit #, Module, etc.): Gang Enforcement Team- W 521
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, (Plain Clothes w/ Vest), Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 6'00 Weight: 190			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 003-19638-2113-013

Suspect Information

S 1

Last Name HOYOS		First Name ALAN	M.I.
AKA Last Name "Tiny"		First Name	M.I.
Sex: M Race: Hispanic	Street Address [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 19 D.O.B. 05/06/85	Height: 5' 5" Weight: 111	FBI # [redacted]	CII # [redacted]
Booking # None	Primary Charge: 245(d) (1) P.C..	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2003-08564	Intoxication/Drug Usage? ☐	Substance Used: Amphetamine/Methamphetamine
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make Pontiac		Model: Bonneville	Year: 1994

S __

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

INVESTIGATIVE NARRATIVE

CITY OF LYNWOOD
ON DUTY, HIT-SHOOTING, SUSPECT DECEASED
11-13-03 (THURSDAY) 2127 HOURS
FILE # 003-19638-2113-013

On Thursday, November 13, 2003, Sergeant Harris, Sergeant Key and Lieutenant Seno of the Internal Affairs Bureau responded to the City of Lynwood, after being notified of officer involved shooting.

SYNOPSIS

Deputies Mayberry and Trammell were on duty and assigned to Century Sheriff's Station Gang Enforcement Team (G.E.T.), Unit # W521. As they were traveling west on Imperial Highway, approaching Hulme Avenue, they observed the suspect's vehicle was stopped, facing south on the southbound side of Hulme Avenue. The deputies observed vehicle code equipment violations and that there were two male occupants inside of the vehicle.

As the deputies attempted to contact the occupants of the vehicle, both males exited their vehicle via the passenger's door and began walking away, north on Hulme Avenue. Suspect # 2 (passenger) initially exited the vehicle when the unmarked radio car drove past them. Suspect # 1 (driver, later identified as Suspect Alan Hoyos) remained in the vehicle, but exited the vehicle after deputies made a U-turn on Imperial Highway. The suspects where approximately 35 yards apart as they continued walking north on Hulme Avenue. Deputies Mayberry and Trammell stopped their unit in front of the suspect's vehicle and exited. They ordered the males to stop and after they failed to comply, began walking after them.

Suspect # 2 turned, looked in the direction of the deputies and began running north on Hulme Avenue. When Suspect # 1 Hoyos, saw Suspect # 2 run, he also started running north on Hulme Avenue, then turned west, and ran down the driveway of [redacted] Hulme Avenue. Suspect Hoyos attempted to run between the fence and a car that was parked in the driveway. It is believed that he collided with the car port upright, which was covered and hidden by ivy. Suspect Hoyos struck the support pole, which spun him in a 180-degree turn, facing eastbound, as he fell to the ground.

Deputy Mayberry ordered Suspect Hoyos to stay on the ground and to show him his hands, as Suspect Hoyos' right hand was still buried beneath him. Suspect Hoyos suddenly hopped to his feet, pushing off with his left hand on the grass, and began raising his body upward. Suspect Hoyos' right-hand came from his waistband area and pointed a gun at Deputy Mayberry.

Deputy Mayberry thought that Suspect Hoyos was going to shoot him and fired one round at Suspect Hoyos, striking him in the chest

Paramedics were summoned to the location and Suspect Hoyos was subsequently transported to St. Francis Hospital, where he was pronounced dead.

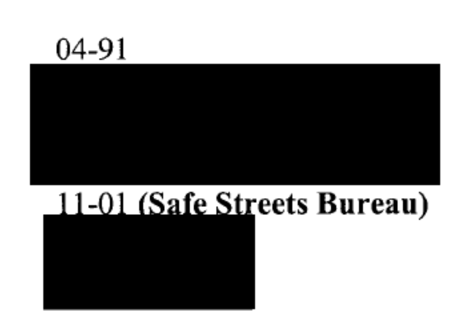
Deputies coordinated a containment of the area with the arrival of additional units, however they where unable to locate the second suspect.

In the Los Angeles County Coroner's Forensic Science Toxicology Report dated, December 18, 2003, case # 2003-08564, it was reported that Alan Hoyos' blood tested positive for amphetamine and methamphetamine. (Refer to Part !! Homicide Book, page # 63).

On August 5, 2004, The Justice Integrity Division of the Los Angeles County District Attorney's Office completed their review of the November 13, 2003 fatal shooting of Alan Hoyos. In their letter of opinion, they concluded that Deputy Mayberry acted reasonably and lawfully in self-defense and defense of others when he used deadly force against Alan Hoyos.

INVOLVED PERSONNEL
MAYBERRY, Thomas - Deputy Sheriff #[redacted]
Office of Homeland Security, Safe Streets Bureau,
Century Station Gang Enforcement Team

EMPLOYEE WORK HISTORY



Date of Employment	04-91
Date Assigned to Custody	[redacted]
Date Assigned to Patrol	
Date Completed Patrol Training	
Date of Current Assignment	11-01 (Safe Streets Bureau)
Prior Shooting Incidents	[redacted]
Prior Founded Force Incidents	

SUSPECTS

1 of 2	**HOYOS, Alan-** MH/18 DOB: 05/06/85
2 of 2	[redacted] M/H Unknown

SUSPECT'S PRIOR ARREST HISTORY

HOYOS, Alan- The suspect was an active member of Lynwood "Southside Gang," with the gang moniker of "Tiny." Information in the Consolidated Criminal History Reporting System (CCHRS) revealed [redacted]

NON DEPARTMENT WITNESSES:

A canvass of the neighbor hood was conducted, but no witnesses were located.

DEPARTMENT WITNESSES:

TRAMMEL, Steven - Deputy Sheriff #[redacted]
Office of Homeland Security, Safe Streets Bureau,
Century Station Gang Enforcement Team

INJURIES:

Suspect # 1, HOYOS, Suffered a single through and through gunshot, which entered the right side of his chest. He was transported by ambulance to Saint Francis Hospital, in Lynwood. At 2156 hours he was pronounced dead by Doctor Salomon Little.

WEATHER AND LIGHTING CONDITIONS:

Clear weather, night time, with artificial flourescent street lighting

WEAPON USED BY SUSPECT HOYOS: Smith & Wesson, Serial # C[redacted] Model #10, 38 Special, double action, 4 inch, black in color, with six live rounds in the weapons cylinder,

> **IAB NOTE:** The suspect's weapon was examined by fire arm examiners from the Sheriff's Department Scientific Services Bureau firearms identification Section, under lab receipt # J274835. The weapon was found to be functional.

DEPUTY MAYBERRY'S WEAPON:

Service Weapon Beretta, 92F, 9mm Luger, Serial # BER[redacted] double action, black in color.
Ammunition-Winchester Brand, 9mm.
Shell Casing One shell casing, Winchester Brand, 9mm.
Date Employee Last Qualified[redacted]
Date Last Trained with Weapon[redacted]
Lab Receipt No. J380820 Los Angeles County Sheriff's Department Scientific Services Bureau, Firearms Identification Section. (Refer to Miscellaneous Documents)

SUMMARY OF DEPUTY MAYBERRY'S INTERVIEW

On Friday, November 14, 2003 at 0235 hours, Sheriff Department Homicide Investigators Sergeant Brackpool and Deputy Barron, interviewed Deputy Thomas Mayberry. This interview was conducted at the Century Sheriff's Station Interview Room. Below is a synopsis of the recorded interview. For a complete content of the interview with Deputy Mayberry, refer to the audio tape which is Permanent part of this investigation.

Deputy Mayberry stated he is currently assigned to the Century Sheriff's Station-Gang Enforcement Team. The primary responsibility of this team is to contact and gather intelligence on gang members and to arrest any gang member involved in any criminal activity.

Deputy Mayberry stated on Thursday, November 13, 2003, he along with his partner, (Deputy Trammell), were assigned to Unit W521 , which is a gang suppression unit, concentrating on the reporting districts in the south end of Century Sheriff's Station. Deputy Mayberry stated they were briefed and had prior knowledge that the "Southside Lynwood Gang," previously had been involved in incidents involving assaults with deadly weapons, shootings with rival gangs, etc.

Deputy Mayberry stated on Thursday, November 13, 2003 at about 9:30 P.M., he and his partner, (Deputy Trammell) were traveling westbound on Imperial Highway, patrolling the Lynwood area. Deputy Mayberry indicated he was driving and Deputy Trammell was seated in the right-front passenger seat.

Deputy Mayberry said he saw the suspect vehicle as they approached Hulme Avenue. The vehicle was in the middle of the lane, facing southbound, stopped at the stop sign at Hulme Avenue and Imperial Highway, possibly waiting to make a left or right turn, however, the vehicle was not in position for a right-hand turn. Deputy Mayberry stated it appeared to him that two individuals were inside the vehicle and he noticed the passenger was a young male Hispanic with a shaved head, which is a very common style for gang members to style their hair in the Southside Lynwood Gang.

Deputy Mayberry stated the passenger, (Suspect #2), suddenly exited the suspect vehicle via the passenger's door and began walking northbound on the west sidewalk of Hulme Avenue. Deputy Mayberry then made a U-turn from westbound Imperial Highway to eastbound Imperial Highway and proceeded eastbound, then stopped upon entering northbound Hulme Avenue.

Deputy Mayberry indicated the front end of his vehicle was facing the front end of the suspect vehicle. Deputy Mayberry said he was forced to stop his vehicle at that point because, the driver of the suspect vehicle, (later identified as Suspect Hoyos), suddenly began climbing over to the right-front passenger's side and exited the suspect vehicle via the passengers' door.

Deputy Mayberry indicated once Suspect Hoyos had exited the suspect vehicle, he began walking northbound on the west sidewalk of Hulme Avenue, approximately 30 yards behind Suspect # 2, at this point, both suspects had abandoned their vehicle for an unknown reason.

Deputy Mayberry stated that as Suspect # 2 was walking northbound, his hands were beside his body and he was walking with his arms swinging to his sides, both hands were in plain view. Deputy Mayberry said at one point Suspect # 2, turned in their direction, saw both deputies and immediately began running northbound on Hulme Avenue.

Deputy Mayberry stated as soon as Suspect # 2 began running, Suspect Hoyos also looked in their direction and immediately began running northbound on Hulme Avenue. Deputy Mayberry said he could see Suspect Hoyos' left hand, however, he was unable to see his right hand.

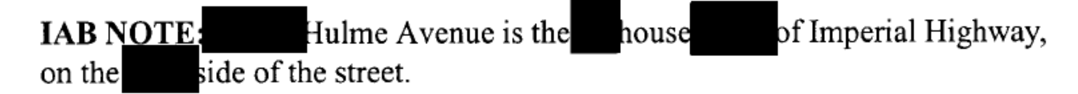
It appeared Suspect Hoyos had his right hand tucked in front of his body, either underneath his dark color baggie sweatshirt or waistband area.

Deputy Mayberry said that in the mannerism in which Suspect Hoyos was acting, it appeared to him that Suspect Hoyos was holding on to something he did not want to accidently drop or was holding on to something that he did not want the deputies to see.

Deputy Mayberry stated both suspects were running. He said Suspect # 2 was approximately 50 yards north of them and Suspect Hoyos was about 15 yards north of them. Deputy Mayberry said he and his partner, (Deputy Trammell) began running, more like a jog, than a run, after the suspects. As they were doing so, they were communicating with each other, confirming their location and that the Suspect was holding something in his right hand.

Deputy Mayberry stated that as Suspect Hoyos was running, he kept his right hand "buried" in his sweatshirt and/or waistband area and refused to comply with his requests to stop and show him his hands. Suspect Hoyos continued running and the entire time he was running, his left hand was swinging forward and backward and Deputy Mayberry was unable to see Suspect Hoyos' right hand.

Deputy Mayberry said Suspect Hoyos continued running northbound on Hulme Avenue, which is a residential area, and he was about 15 yards behind Suspect Hoyos. As they're running, Suspect Hoyos suddenly turned left, (westbound) onto a driveway, located at [redacted] Hulme Avenue.


IAB NOTE: [redacted] Hulme Avenue is the [redacted] house [redacted] of Imperial Highway, on the [redacted] side of the street.

Deputy Mayberry stated there was a vehicle parked in the driveway and provided a brief description of the location. He stated the length of the driveway was approximately twenty feet. There was a patio cover coming across the driveway, which was mostly covered by green ivy. North of the parked vehicle was a patch of grass, which ran parallel to the driveway and just north was a four-foot high chain link fence, which separated the north property line.

Deputy Mayberry stated that when Suspect Hoyos turned left onto this driveway, he was running westbound between the parked car in the driveway and the chain link fence.

Suspect Hoyos then ran into one of the patio support beams, which was also covered with greenery and caused Suspect Hoyos to verbalize something, sounding like a loud moaning noise. Deputy Mayberry said it sounded like Suspect Hoyos had struck the support pole fairly hard, which spun him in a 180-degree turn, now facing eastbound and fell to the ground. Deputy Mayberry said he lost sight of Suspect Hoyos for a moment, due to the parked vehicle in the driveway blocking his view.

Deputy Mayberry stated he then turned the corner and ordered Suspect Hoyos to stay on the ground and to show him his hands, as Suspect Hoyos' right hand was still buried beneath him.

Deputy Mayberry said at this point, Suspect Hoyos suddenly hopped to his feet, pushing off with his left hand on the grass, which almost brought him to a three-point stance, and began raising his body upward. Suspect Hoyos' right-hand came from his waistband area and pointed a gun at Deputy Mayberry, at this time, they were both positioned facing each other, approximately seven to ten feet away.

Deputy Mayberry said he thought Suspect Hoyos was going to shoot him and fearing for his life and the life of his partner, (Deputy Trammell), he fired one round at Suspect Hoyos, then immediately moved to his left in an attempt to take cover by the parked vehicle in the driveway. Deputy Mayberry said he lost sight of the suspect for a brief moment or possibly a second. At this time, Deputy Mayberry and his partner, who was next to him took cover behind the parked vehicle.

Deputy Mayberry stated he again gained a visual of Suspect Hoyos and noticed he was bent over, his knees were slightly bent and his hands were to his sides. Deputy Mayberry said he was able to see both hands and noticed Suspect Hoyos was wearing black cloth gloves on both hands.

Deputy Mayberry said he ordered Suspect Hoyos several times to get on the ground and to keep his hands where he could see them. Deputy Mayberry said it appeared that Suspect Hoyos was wounded and eventually fell to his hands and knees and layed face down on the grass with both hands underneath his body. Deputy Mayberry asked Suspect Hoyos, "where's your gun?" Suspect Hoyos replied, "I don't have a gun." Deputy Mayberry said he again ordered Suspect Hoyos to remove his hands from underneath himself and to show him his hands. At this time, Suspect Hoyos replied, "Why did you shoot me? The above conversation was in English.

Deputy Mayberry said Suspect Hoyos removed his right-hand from underneath himself and his left-hand remained underneath his body. Deputy Mayberry said he did not see Suspect Hoyos throw the gun in any direction.

Deputy Mayberry said all during this time, Deputy Trammell was in radio communication with Century Sheriff's Station.

Deputy Mayberry stated he and his partner continued yelling at Suspect Hoyos, ordering him to show them his hands.

At this time, Suspect Hoyos appeared to be losing strength and Deputy Mayberry said he felt safe and approached the suspect and pulled the suspect's left hand from underneath his body and the suspect remained in that position pending the arrival of assisting units.

Deputy Mayberry stated assisting units arrived and after searching the suspect, the paramedic units arrived and rendered medical treatment to Suspect Hoyos.

Deputy Mayberry stated Deputy Trammell continued transmitting radio traffic in an attempt to set up a containment area for Suspect # 2.

Deputy Mayberry indicated the normal load for his weapon is (15) rounds in his magazine and (1) round in the chamber. Deputy Mayberry stated he fired one round at the suspect. The interview with Deputy Mayberry ended at 0320 hours.

SUMMARY OF DEPUTY TRAMMELL'S INTERVIEW

On Friday, November 14, 2003 at 0130 hours, Sheriff Department Homicide Investigators Sergeant Brackpool and Deputy Barron, interviewed Deputy Steven Trammell. This interview was conducted at the Century Sheriff's Station Interview Room. Below is a synopsis of the recorded interview. For a complete content of the interview with Deputy Trammell, refer to the audio tape which is permanent part of this investigation.

Deputy Trammel stated he has been a Deputy Sheriff for fourteen years. He is currently assigned to the Gang Enforcement Team, which is part of the Los Angeles County Sheriff's Department Safe Streets Bureau. He has been assigned to this unit since November 2002. The Gang Enforcement Team is primarily a gang suppression and intelligence unit. Deputy Trammell stated they are responsible for contacting gang members, conduct field interviews and arrest any gang member involved in any criminal activity.

Deputy Trammell stated on Thursday, November 13, 2003, he and his partner, (Deputy Mayberry) began their shift at [redacted] hours and were assigned Unit W521, patrolling the City of Lynwood. Deputy Trammell said he was driving and Deputy Mayberry was the "Bookman," seated in the right-front passenger seat of their vehicle.

Deputy Trammell said he and Deputy Mayberry had previous knowledge that the "Palm & Oak" Gang and the "Southside Lynwood" Gang have been active. They also had prior information regarding a prior homicide which occurred on Halloween night, (10/31/03), involving the "Southside Lynwood" Gang. This gang had also been involved in subsequent assault with some deadly weapon incidents, which had been done in retaliation going back and forth with the victim gang. Due to the increase in gang activities, they were focusing their attention on those specific areas.

Deputy Trammell stated they were patrolling this area in an unmarked unit, described as a grey, 2001 Crown Victoria. This vehicle is equipped with a forward facing red light in the windshield and has the amber & blue lights located in the left-rear window.

Deputy Trammell stated on Thursday, November 13, 2003, he and his partner, (Deputy Mayberry), were traveling westbound on Imperial Boulevard from Atlantic Boulevard. As they approached Hulme Avenue, he, (Deputy Trammell), saw a vehicle parked in the middle of Hulme Avenue with the front passenger's door open. This vehicle appeared to be over the limit line and Deputy Trammell also noticed that the right-front head light was inoperable and the vehicle did not have a front license plate. Deputy Trammell indicated that Imperial Highway and Hulme Avenue were well illuminated by an average number of streetlights.

Deputy Trammell stated that as they approached the suspect vehicle, (described as a blue, 1994 Pontiac Bonneville, 4-Door, California License #[redacted], he saw the right-front passenger, (Suspect # 2), exit the vehicle and walked in a "nonchalant" manner toward the west sidewalk of Hulme Avenue. Upon reaching the northwest corner of Hulme Avenue and Imperial Highway, Suspect # 2 just stood there motionless.

Deputy Trammell stated they drove by the suspect vehicle, as they did so, he saw someone seated in the driver's seat, however was unable to identify who was seated in the driver's seat. Deputy Trammell explained that he initially thought that these two individuals had been involved in possibly a boyfriend-girlfriend dispute or this was possibly a domestic violence situation. Deputy Trammell said they continued driving and the suspect vehicle remained in the same position with the right-front passenger's door open and Suspect # 2 remained standing in the sidewalk.

Deputy Trammell said he then made a U-turn and as they started to complete their U-turn, onto eastbound Imperial Highway, Suspect # 2 began walking northbound on the west side of Hulme Avenue. Deputy Trammell stated they completed their U-turn and proceeded northbound on Hulme Avenue toward the suspect vehicle.

Deputy Trammell stated as they approached the suspect vehicle, Deputy Mayberry positioned his spotlight on the driver's side of the suspect vehicle, which illuminated the interior of the suspect vehicle and at this point, Deputy Trammell said he was able to see a male Hispanic, (later identified as Suspect Hoyos), seated in the driver's seat. Deputy Trammell indicated that as soon as the suspect vehicle was illuminated, Suspect Hoyos then began to crawl across from the driver's seat onto the right-front passenger's seat, then exited the suspect vehicle. Deputy Trammell indicated at this point, their unmarked patrol vehicle was positioned facing northbound, just south and east of the suspect vehicle.

Deputy Trammell stated the driver, (Suspect Hoyos) then exited the passenger's side of the suspect vehicle and began walking toward the west sidewalk of Hulme Avenue. At this time, Deputy Trammell said both he and his partner began yelling at Suspect Hoyos to "stop," however, he continued walking.

Deputy Trammell stated he and his partner exited their vehicle and began walking toward both suspects, again ordering both to stop. Deputy Trammell expressed his concern as both males had abandoned their vehicle in the middle of the intersection and were refusing to stop.

Deputy Trammell stated he immediately looked at the street sign to ensure his location and continued walking northbound on the west sidewalk of Hulme Avenue. Deputy Trammell said he saw Suspect # 2 who was approximately 25 yards in front of Suspect Hoyos, began to run northbound on Hulme Avenue.

Deputy Trammell indicated almost simultaneously, Suspect Hoyos also began running northbound on Hulme Avenue. At this point, Deputy Trammell believed these suspects had possibly stolen a car, due to the manner in which they had abandoned their vehicle upon contact with deputies. At this point, Deputy Mayberry then went over to the sidewalk and he, (Deputy Trammell), stayed directly adjacent to Deputy Mayberry in the street and they ran northbound behind Suspect Hoyos.

Deputy Trammell stated they continued chasing the suspects northbound on Hulme Avenue, as they did so, Deputy Mayberry told him, "I can't see his right-hand, I can't see his right-hand." Deputy Trammell confirmed that he was also unable to see Suspect Hoyos's right-hand.

Deputy Trammell said that about ten seconds later, Suspect Hoyos suddenly made a left-turn, (westbound) onto a driveway located at [redacted] Hulme Avenue or in that proximity. Deputy Trammell indicated this area was illuminated by a porch light located on the driveway south of the driveway, in addition to some ambient lighting.

Deputy Trammell stated as Suspect Hoyos entered the driveway, he ran in between a parked car, and a fence which bordered the north property line. Deputy Trammell said Suspect Hoyos ran toward what appeared to be a fence or gate located in front of the parked car, which separated the driveway from the backyard. Deputy Trammell said as Suspect Hoyos ran toward this location, he heard a loud "thud" noise, followed by the suspect making groaning noises, which appeared to Deputy Trammell thought the suspect had possibly ran into something.

Deputy Trammell said at this point Deputy Mayberry was now positioned in the driveway and he, (Deputy Trammell) was positioned just south of Deputy Mayberry to his left. Deputy Trammell said from his position, he was unable to see Suspect Hoyos' hands.

Deputy Trammell stated he then heard Deputy Mayberry yelling, "let me see your hands, get on the ground, stay on the ground!" Deputy Trammell said that he thought Suspect Hoyos was mobile and was moving. Deputy Trammell said he began watching the left side of the parked car in the event Suspect Hoyos might crawl around to the front side of this parked vehicle.

Deputy Trammell said he heard again Deputy Mayberry yelling, "let me see your hands" then heard a gunshot. Deputy Trammell said he turned back toward Deputy Mayberry, who at this time had taken cover behind the parked car. Deputy Trammell said they both took cover behind the parked car and he was still unable to see the suspect.

Deputy Trammell said the moved together to the south, at which time, they were able to see Suspect Hoyos, who was having difficulty standing and appeared to have been shot. Deputy Trammell said they ordered Suspect Hoyos to "get down on the ground." Suspect Hoyos stood for a second, looked at them and stated, "why did you shoot me?" then went down on the ground and as he did so, he had his hands in his waist area.

Deputy Trammell said at this point, they felt the suspect was still alive and they continued ordering him to expose his hands. Deputy Trammell indicated he was also in communication with Century Sheriffs Station, advising of the situation and began setting up a containment for Suspect # 2, who had fled northbound on Hulme Avenue.

Deputy Trammell said he told Deputy Mayberry that he had requested assistance and a containment had been set. Deputy Trammell said Deputy Mayberry looked at him and stated, "Steve, he had a gun, I had to shoot him, he was going to shoot me, I had to shoot him, he did not give me any choice." Deputy Trammell said he reassured him and they both waited for assisting and paramedic units to arrive.

Deputy Trammell said as assisting units arrived, Deputy Mayberry pulled one of the suspect's arms out from underneath his body. Paramedics attended Suspect Hoyos and he was subsequently transported to St. Francis Hospital, where he was pronounced dead.

Deputy Trammell stated he did not fire his weapon and he along with Deputy Mayberry were subsequently transported to Century Sheriffs Station waiting the arrival of Homicide Investigators.

The interview with Deputy Trammell ended at 0201 hours.

ON SCENE OBSERVATION:

The Smith & Wessen revolver that Suspect Hoyos pointed at Deputy Mayberry, was recovered from the north yard of [redacted] Hulme Avenue which is the residence next to [redacted] Hulme Avenue. The weapon was retrieved from the area that is immediately adjacent to where Suspect Hoyos fell to the ground. (Refer to Exhibit A # 7, # 8 and #11.

On 11-14-03, at 1230 hours, Sheriff Department Investigator DenDekker responded to South East Tow Yard at 428 East Pine Street, Compton. While conducting an inventory of Hoyos' vehicle, he found a spent 7.65mm shell casing on the front passenger side floor board of the vehicle. The shell casing was subsequently transported and booked into the Evidence Control Room of the Scientific Services Bureau under receipt # J270904.

NO PROPERTY DAMAGE:

HOMICIDE INVESTIGATORS

Sergeant Chris Brackpool and Deputy Margarita Barron



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director



August 5, 2004

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 03-0887
L.A.S.D. File No. 003-19638-2113-013

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 13, 2003 fatal shooting of Alan Hoyos by Los Angeles County Sheriff's Deputy Thomas Mayberry. We have concluded that the deputy acted lawfully in self-defense and in the defense of others.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Investigator Margarita Barron and Sergeant Chris Brackpool on March 30, 2004. Additionally, the District Attorney Command Center was notified of the shooting at approximately 10:10 p.m. on November 13, 2003. The District Attorney Response Team, comprised of Deputy District Attorney Edward Miller and District Attorney Senior Investigator [redacted] responded to the scene. We were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered as part of this analysis.

FACTUAL ANALYSIS

On November 13, 2003 at approximately 9:27 p.m., Deputies Thomas Mayberry and Steven Trammel were on patrol in an unmarked gray Crown Victoria, equipped with a forward facing red light in the windshield and amber and blue lights in the left-rear window. Mayberry was the driver. Both deputies were assigned to the Gang

Enforcement Team and wore green vests with the word "Sheriff" in large print on the front and back, along with badge patches on the chest and shoulders.

The deputies were traveling westbound on Imperial Highway approaching the intersection of Hulme Avenue, in the city of Lynwood. They saw a car occupied by Alan Hoyos in the driver's seat and an unidentified passenger (hereafter, "the passenger") in the front passenger seat stopped at a stop sign in the southbound lane on Hulme Avenue. The car appeared to be over the limit-line, had an inoperable headlight and did not have a front license plate. As the deputies continued to approach the intersection, the passenger got out of the car, left the door open and walked in a nonchalant manner to the northwest corner of the intersection. On reaching the corner, the passenger stood there motionless.

The deputies drove by, then made a u-turn. As they turned, the passenger began walking northbound on Hulme Avenue. As the deputies approached Hoyos' car, turning onto Hulme Avenue, Deputy Mayberry put his spotlight on the driver's side. At this point, Hoyos crawled over to the front passenger seat and exited the car through the passenger door.

Hoyos then began walking down Hulme Avenue, approximately thirty yards behind the passenger. Both deputies yelled at Hoyos to stop, but he continued walking. The deputies exited their car and began walking toward Hoyos and the passenger, ordering both to stop. The passenger subsequently looked back toward the deputies, then began running away down Hulme Avenue. When the passenger began running, Hoyos also looked back towards the deputies, then fled in the same direction as the passenger.

The deputies began chasing Hoyos and the passenger on foot. Hoyos was about fifteen yards away from them and the passenger was about thirty-five yards ahead of Hoyos. Hoyos had his right hand tucked in front of his body in the waistband area and ignored commands to stop and show his hands.

Hoyos ran left into a driveway located at [redacted] Hulme Avenue. He ran past a parked car and into a support beam for a carport, which he struck with a substantial impact. Hoyos apparently did not see the beam due to darkness and because it was covered with ivy. Hoyos let out a loud moan and fell to the ground.

Deputy Mayberry entered the driveway and ordered Hoyos to stay on the ground and to show his hands, because his right hand was underneath his body. Deputy Mayberry stated that at this point, Hoyos suddenly hopped to his feet and began raising his body upward. Hoyos' right hand came from his waistband area and pointed a handgun at Deputy Mayberry. Hoyos and Mayberry were facing each other, approximately seven to ten feet apart. Fearing for his life and that of his partner, Mayberry fired one round at Hoyos. Both deputies then took cover behind the car parked in the driveway and briefly lost sight of Hoyos.

Deputy Trammell had been standing to the left of Deputy Mayberry before he fired and was unable to see Hoyos' hands. Trammell said he began watching the left side of the

car parked in the driveway in case Hoyos crawled around the car. For this reason, he heard, but did not see Mayberry fire at Hoyos.

Both deputies subsequently moved toward Hoyos. Hoyos was standing hunched over with his hands to his sides. The deputies ordered Hoyos to get on the ground. Hoyos eventually fell to his hands and knees, then lay face down on the ground with both hands underneath his body. Mayberry asked Hoyos, "Where's your gun?" Hoyos replied, "I don't have a gun." Mayberry again ordered Hoyos to show his hands. Hoyos answered, "Why did you shoot me?" Hoyos removed his right hand from underneath his body and Deputy Mayberry subsequently pulled out his left hand. Hoyos, however, was no longer in possession of his gun. Nor did either of the deputies see him dispose of the gun.

Paramedics were called and Hoyos was transported to St. Francis Medical Center. He was pronounced dead at 9:56 p.m. by Dr. Little. Hoyos sustained a gunshot wound to the chest. A toxicology report indicated the presence of methamphetamine in his blood. Hoyos was a Southside Lynwood gang member.

Deputy Ronald Daily found Hoyos' handgun in the front yard of the residence immediately north of the driveway where Hoyos was shot. It was loaded with six rounds.

Deputies set up a containment of the area and searched for the passenger. The passenger, however, was not found.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Williams (1977) 75 Cal.App. 3d 731.*

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Jury Instructions—Criminal 5.30, 5.32.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins (1961) 189 Cal. App. 2d 575.*

In this case, Deputy Mayberry was justified in his use of deadly force. Clearly, Mayberry was in mortal danger when Hoyos pointed his gun at him. Moreover, decisive action by Mayberry was necessary to protect the life of his partner, Deputy Trammell. Obviously, Trammel's vulnerability to attack, while he was watching the other side of the car parked

in the driveway, would have substantially increased, had Hoyos succeeded in shooting Mayberry.

We conclude that Deputy Mayberry acted reasonably and lawfully in self-defense and in defense of others when he used deadly force against Alan Hoyos. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Edward A. Miller

EDWARD A. MILLER
Deputy District Attorney
(213) 974-5090

c: Deputy Thomas Mayberry #[redacted]
Deputy Steven Trammell #[redacted]